

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
JACKSON DIVISION

STACI MAY, ET AL.

PLAINTIFFS

VS.

CIVIL ACTION NO. 3:05CV73-WHB-JCS

KLLM, INC., ET AL.

DEFENDANTS

OPINION AND ORDER

This cause is before the Court on the Motion to Dismiss of Defendant KLLM, Inc., which was filed with the Clerk of the Court on April 18, 2006, under docket entry no. 11. Plaintiffs have not responded to the Motion, and the time limit for filing a response has expired. Further, counsel for Plaintiffs has affirmatively represented to counsel for Defendant KLLM, Inc. that they do not intend to respond to the Motion to Dismiss. Therefore, Pursuant to the authority granted this Court under Rule 7.2(C)(2) of the Uniform Local Rules of the United States District Courts for the Northern and Southern Districts of Mississippi,¹ the Court finds that the Motion to Dismiss is well taken and should be granted. Because the dismissal of KLLM, Inc. is based on lack of subject matter jurisdiction and improper venue, which do not represent decisions on the merits, the dismissal must be without prejudice.

¹Rule 7.2(C)(2) states "[i]f a party fails to respond to any motion, other than a motion for summary judgment, within the time allotted, the court may grant the motion as unopposed."

IT IS THEREFORE ORDERED that the Motion to Dismiss of Defendant KLLM, Inc. (docket entry no. 11) is hereby granted. Defendant KLLM, Inc. is hereby dismissed from this cause, without prejudice.

SO ORDERED this the 17th day of May, 2006.

s/ William H. Barbour, Jr.
UNITED STATES DISTRICT JUDGE

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